

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

ANGEL DAVID MORALES
VALLELLANES,
Plaintiff,

v.

JOHN POTTER, UNITED STATES
POSTMASTER GENERAL, ET ALS.,
Defendants.

CIVIL NO. 97-2459 (GAG)

DAMAGES BASED ON
RETALIATION AND
DISCRIMINATION; PROHIBITED
PERSONNEL PRACTICES; UNFAIR
LABOR PRACTICES; BREACH OF
COLLECTIVE BARGAINING
AGREEMENT

TRIAL BY JURY IS HEREBY
REQUESTED

MOTION REQUESTING ORDER TO PROCEDURE
DEFENDANT THE USE OF EXPERT WITNESSES

COMES NOW, plaintiff Angel David Morales-Vallellanes through his legal counsel and very respectfully inform this Honorable Court:

1. At a pretrial/settlement conference held on April 26, 2006 this Honorable Court scheduled the proceedings in the above captioned case.
2. The referred schedule was issued as an order in docket number 280 entered and filed on April 26, 2006 identified as Minutes of Proceedings and Order. (See Exhibit I)
3. Among the several deadlines scheduled by this Honorable Court the following order pertains to the announcement of expert witnesses:

*“In any event, all depositions must conclude on or before **September 30, 2006**. The parties shall on or before **May 12, 2006** agree to the dates of deposition, as well as dates to announce expert(s) and depose them. No exception will be made as this will affect the Court’s docket.”*

4. On a letter dated August 30, 2006 notified on hand last Tuesday September 5, 2006

Defendant formally announced to Plaintiff (not to this Court) that it has “retained the professional services of Dr. Ramón O. Fortuño, psychiatrist to appear as Expert Witness on behalf of the government”. Further, said letter notify an examination to be performed by doctor Fortuño to Plaintiff at his offices next Monday, September 11, 2006 at 10:00 a.m. (See Exhibit II)

5. The appearing party strongly opposes the announcement and use by the Defendant of any Expert Witness because of the tardiness as in the case of doctor Fortuño the deadline ordered (May 12, 2006) elapsed 110 days (almost 4 months) and 126 days after the pretrial/settlement conference was held back on April 26, 2006 (more than 4 months). Plaintiff announced his expert witnesses since 1997 (nine years ago).

6. Moreover, this Honorable Court on its order emphasized that no exception will be made because it will affect the Court’s docket. Also it affect Plaintiff because if said examination is allowed by the psychiatrist on September 11, 2006 there will be left only 19 days until September 30, 2006 deadline to render the Expert Witness report, to review said report by the Plaintiff’s own Expert Witness; and for the last to schedule a deposition by Plaintiff to doctor Fortuño.

7. That Plaintiff moves this Honorable Court to preclude Defendant the announcement and/or use of any expert witness in the above captioned case.

WHEREFORE, it is respectfully requested from this Honorable Court an order to preclude Defendant the announcement and/or use of any expert witness.

RESPECTFULLY SUBMITTED.

I HEREBY CERTIFY that on September 7, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following: **Fidel A. Sevillano-Del Río, Esq.**, Assistant U.S. Attorney, Federico Degetau Federal Build., 150 Carlos Chardón Av., Hato Rey, Puerto Rico 00918.

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